

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

EDWARD DERELL HARMON  
(TDCJ No. 1891908),

Plaintiff,

V.

CHAU NGUYEN, ET AL.,

Defendants.

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No. 3:14-CV-2038-D

**ORDER**

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

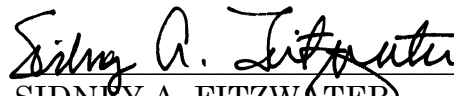
The court grants defendants' motions for summary judgment as to their affirmative defenses of qualified immunity, denies as moot plaintiff's pending motions filed prior to February 23, 2016, and dismissed plaintiff's action with prejudice.

On February 23, 2016 plaintiff filed a notice of appeal to the Fifth Circuit, purporting to appeal the magistrate judge's findings, conclusions, and recommendation. Because he was attempting to appeal an unappealable order, his notice of appeal did not deprive this court of jurisdiction to conduct *de novo* review and adopt the findings, conclusions, and recommendation of the magistrate judge.

On February 23, 2016 plaintiff filed a motion in which he appears to request an extension of time to correct prior failures to respond or untimely or erroneous responses. The court finds and concludes that plaintiff has been given sufficient time throughout the lengthy history of this lawsuit, which was commenced on June 5, 2014, to comply with deadlines prescribed by the court and by rule. Accordingly, his motion is denied.

**SO ORDERED.**

February 25, 2016.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE